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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,400	02/13/2002	Ewald Karl Michael Guenther	12406-013001	2381
26181	7590	03/31/2004	EXAMINER	
FISH & RICHARDSON P.C. 3300 DAIN RAUSCHER PLAZA MINNEAPOLIS, MN 55402			TRAN, MAI HUONG C	
			ART UNIT	PAPER NUMBER
			2818	

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/787,400	Applicant(s) GUENTHER, EWALD KARL MICHAEL	
	Examiner Mai-Huong Tran	Art Unit 2818	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) 30-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/13/02 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/17/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restriction

Application's election without traverse of Group I (Claims 1-29) drawn to a semiconductor device is acknowledged for prosecution in the subject application . Accordingly, claims 30-56 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Applicants have the right to file a divisional application covering the subject matter of the non-elected claims.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-29 are rejected under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 6,278,237 to Campos in view of Jones et al. (6,069,443).

Regarding to claim 1, Campos discloses a device comprising a substrate 100 having active and non-active regions; an active component 300 in the active region; a cap support 400 in a periphery of the device and in the non-active region 200, 210; and a cavity 500 between the active component 300.

However, Campos does not disclose a cap on the cap support. Jones et al. teach a cap on the cap support as set forth in col. 9, lines 18-1, and fig. 3.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form a cap on the cap support in order to prevent exposure to moisture and oxygen, which reduce the useful lifetime of the OLED (col. 9, lines 18-23).

Regarding to claim 2, the device of claim 1 wherein the device comprises an organic LED (OLED) device which includes OLED pixels as the active component (col. 9, lines 18-20).

Regarding to claims 3, 14, the device wherein the device comprises a flexible device (col. 9).

Regarding to claim 4, Jones discloses the device wherein the cap comprises a flexible cap which encapsulates the device to hermetically seal the active component (col. 9, lines 18-25, and fig. 3).

Regarding to claim 5, Jones discloses the device wherein the cap comprises a material selected from the group consisting of glass, metal, ceramic, or metallized foil (col. 9, lines 29-30).

Regarding to claims 6, 9, 11, 13, 16, 18, 19 Campos discloses the device wherein the substrate comprises a flexible substrate which provides mechanical integrity to support the active component (col. 5, lines 59-66).

Regarding to claim 7, Campos discloses the device wherein the flexible substrate comprises plastic, glass, or semiconductor material (col. 5, lines 60-62).

Regarding to claim 8, Campos discloses the claimed invention except for the device wherein the substrate comprises a thickness of about 20-300 μm .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the substrate that comprises a thickness of about 20-300 μm , since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or working ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

Regarding to claims 10, 12, 15, 17, Jones discloses the device wherein the cap encapsulates the device to hermetically seal the active component (col. 9, lines 26-39).

Regarding to claim 20, Jones discloses the device wherein the cap support comprises a thickness greater than a height of the active component to form the cavity between the cover and the active component to prevent the cover from contacting the active component (fig. 3).

Claim 21 is rejected under the same rationale set forth above to claim 20.

Claim 22 is rejected under the same rationale set forth above to claim 21.

Claim 23 is rejected under the same rationale set forth above to claim 22.

Claim 24 is rejected under the same rationale set forth above to claim 20.

Claim 25 is rejected under the same rationale set forth above to claim 24.

Claim 26 is rejected under the same rationale set forth above to claim 20.

Claim 27 is rejected under the same rationale set forth above to claim 26.

Claim 28 is rejected under the same rationale set forth above to claim 27.

Claim 29 is rejected under the same rationale set forth above to claim 26.

Conclusion

Any inquiry concerning this communication on earlier communications from the examiner should be directed to Mai-Huong Tran, (571) 272-1796. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM. The examiner's supervisor, David Nelms can be reached on (571) 272-1787.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Mai-Huong Tran



David Nelms
Supervisory Patent Examiner
Technology Center 2800